THE HONOURABLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION No. 17382 OF 2003

Date:13.12.2007

BETWEEN:

1. Ramachandra Reddy, and others.

…. PETITIONERS

And

1. Tirumala Tirupati Devastanam, rep. by its Executive Officer, Tirumala, Chittoor District, and another.

…. RESPONDENTS

ORAL ORDER:

This writ petition is filed by the petitioners seeking to declare that the order and the consequential eviction process undertaken by the first respondent by demolishing the houses of the petitioners is illegal and arbitrary and for a consequential direction to the respondents to pay compensation in proportion to the damages suffered by the petitioners on account of demolition of their houses. In the affidavit, the petitioners mentioned that they have trespassed into the Government land and raised huts in the year 1969. Subsequently, they have raised constructions. Thereafter, the Government exchanged the said land to Tirumala Tirupati Devastanam, which in turn filed O.A.No.1 of 1995 on the file of the Commissioner of Endowment, Hyderabad, the second respondent herein. However, the Chief Administrator of the complainant Devastanam had sent a letter dated 9.04.1991 accepting the proposal to shift the huts on allotment of 0.05 cents of land in lieu of 0.10 cents occupied earlier by the petitioners. Though the petitioners filed their objections, without considering the same the impugned order has been passed by the second respondent on 24.06.2003 without assigning any reasons holding that the petitioners herein are the encroachers as contemplated under the A.P. Charitable and Hindu Religious Institution and Endowments Act, 1987. Therefore, the order is liable to be set aside.

Admittedly, the petitioners are trespassers of the land. They have not perfected any title by adverse possession. On filing of

O.A. by the Devastanam, the second respondent passed appropriate orders in accordance with law. Against the said orders, the petitioners ought to have filed an appeal instead of approaching this Court. Therefore, I do not find any illegality or arbitrariness in the order passed by the second respondent and there are no merits in the writ petition.

Accordingly the Writ Petition is dismissed. No costs.

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(Dr. G. Yethirajulu, J.)

13th December, 2007
Js.